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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,214

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Michael J. Sundermeyer

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EXAMINER

LUDWIG, MATTHEW J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/690,214	Applicant(s) SUNDERMEYER ET AL.	
	Examiner MATTHEW J. LUDWIG	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20 and 32-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 and 32-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment received 11/3/2009.
2. Claims 20 and 32-41 are pending in the application. Claims 20, 32, and 37 are independent claims. Claims 1-19 and 21-31 have been cancelled.
3. The Board of Patent Appeals and Interferences reviewed the application and applied new rejections to the claims. Claims 1-31 rejected under 35 U.S.C. 101 as directed to unpatentable subject matter and the rejection under 35 U.S.C. 112 as not enabled and as indefinite due to lack of enablement have been withdrawn pursuant to amendments made to the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Altova Inc. & Altova GmbH, "XML Spy 4.0 Manual," copyright 1998-2001, September 10, 2001, Chapter 3, consisting of pages 91-286, [hereinafter "XML Spy"]**

Regarding **independent claim 20**, XML Spy teaches:

A method for managing a Web site lifecycle from a graphical user interface (GUI) comprising:

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displaying a Web browser in a first window of said GUI, wherein a user browses on said Web browser to locate a Web page to be edited;

selecting an edit indicator displayed on said GUI indicating a preference to edit said Web Page;

responsive to said selecting, transitioning said first window to display a page editor;

choosing a publish indicator displayed on said GUI indicating to publish said edited Web Page; and

responsive to said selecting, transitioning said first window back to display said Web browser.

(See, XML Spy, pages 92-96, teaching the page window editor. See also XML Spy, page 93, teaching that the windows are freely selectable and may be clicked back and forth to bring them to the front.

XML Spy does not expressly teach wherein a user browses on the Web to locate a Web page to be edited. However, see, XML Spy, pages 264-267, teaching use of XML Spy with Internet Explorer and automatic notification of changes to a file located on a central server. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the function of XML Spy to monitor documents on a server, and to edit documents within a browser for a browser, to have used a browser to locate a Web page to be edited, for the obvious and beneficial purpose that XML Spy is designed to cooperate with and use browsers in accessing and editing documents located on the Web.)

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 32-41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GlobalScape, “CuteFTP Pro Technical Overview,” White Paper, May 22, 2001, published on the internet at least by August 14, 2002, last downloaded by the Examiner on March 17, 2006, from: <http://web.archive.org/web/20020814133509/www.globalscape.com/support/manuals.shtml>, pages i-ii and 1-17, [hereinafter “CuteFTP Pro”].**

Regarding **dependent claim 32**, CuteFTP Pro teaches:

‘present a web browsing interface in a page editing application and access a web page in response to input identifying the web page in a desired web site;

In response to input selecting an edit command in the web browsing interface:

Downloading the web page, including related files associated with display of the web page;

Present a page editing interface in the page editing application, and receive input editing the web page; and

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(See, CuteFTP Pro, page 7, teaching: “CuteFTP Pro includes advanced scripting capabilities that allow clients to automate routine tasks, such as downloading log files from a Web server or posting weekly sales reports to an FTP server.”)

(See, CuteFTP Pro, page 11, teaching an integrated code editor to change HTML/Text documents.)

In response to input selecting a publish command in the page editing interface, publish the web page as edited by uploading the web page as edited to a file transfer protocol server.

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes.)

Regarding **dependent claim 33**, CuteFTP Pro teaches:

scan said Web page for page-dependent related files prior to said automatically downloading.

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated.)

Regarding **dependent claim 34**, CuteFTP Pro teaches:

scan said edited source file for modified page-dependent related files prior to said automatically publishing.

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated.)

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Regarding **dependent claim 35**, CuteFTP Pro teaches:

The method of claim 3 wherein said modified page-related files comprises one or more of:

an edited page-related file;

a deleted page-related file; and an added page-related file.

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated.)

Regarding **dependent claim 36**, CuteFTP Pro teaches:

Automatically determine a directory path for uploading the page as edited.

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated. Note that CuteFTP Pro teaches folder synchronization, which reflects a location of added page-related files on the file transfer server.) (See, CuteFTP Pro, page 8, teaching mirroring which makes the content of the remote drive exactly like the contents of the local drive, vice versa, or both.)

Regarding **claims 37-41**, the claims presented recite similar limitations to those found in rejected claims 32-36. Therefore, the claims are rejected under similar rationale.

Response to Argument

8. Applicant's arguments filed 11/3/2009 have been fully considered but they are not persuasive.

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In reference to independent claim 20, appellant argues improper motivation to modify XML Spy to meet the limitations of claim 20. The Examiner disagrees. XML Spy teaches the graphical user interface (GUI) with a selectable web browser or editor window, but does not teach a publish indicator to control execution of upload logic. CuteFTP Pro teaches upload logic available either automatically or manually. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the editing and GUI functions of XML Spy with the upload logic of CuteFTP Pro for purposes of uploading XML and HTML files from the editor of XML Spy through the file transfer of CuteFTP Pro. The motivation to combine the references is taught in CuteFTP Pro in that it is designed to upload web compatible software to the web and web compatible software is taught to be created using XML Spy.

Applicant merely alleges the lack of motivation, without further argument. XML Spy teaches the limitations specified in claim 20. XML Spy teaches downloading documents using a browser to locate a Web page to be edited. XML Spy does not expressly teach a user browsing the Web to locate a Web page to be edited. It was within the knowledge of one of ordinary skill in the art at the time of the invention to use a browser to download a file. CuteFTP Pro browses HTTPS sites using the same strong Security that Internet Explorer/Netscape uses for secure e-commerce transactions. The CuteFTP reference states that FTP is the most robust way to exchange files between computers on the Internet. Like the Hypertext Transfer Protocol (HTTP), which transfers displayable Web pages and related files, and the Simple Mail Transfer Protocol, which transfers e-mail, FTP is an application protocol that uses the Internet's TCP/IP protocols. Finally, the CuteFTP offers the most advanced automation tools available in a Window's-based FTP application. Key features include: COM based scripting, folder synchronization, file transfer

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scheduling, Smart Overwrite logic, and an integrated code editor. All of the above-mentioned tools along with the CuteFTP Pro's Multiple Document Interface provide the user with a browsing means for locating/editing source files for web pages. Furthermore, the illustration on page 1 along with the HTTP methods provided would allow a user to download a source file for said web page that has been browsed to and downloads related files associated with display of said web pages. CuteFTP includes advanced scripting capabilities that allow clients to automate routine tasks, such as downloading log files from a Web server or posting weekly sales reports to an FTP server.

Also, in reference to independent claim 32, appellant states the CuteFTP reference fails to teach, 'automatically publishing said edited source file to said file transfer server associated with said Web site including said related files associated with said display of said Web page'. The section of CuteFTP titled 'Scheduling File Transfers' discloses a way to schedule file transfers through several options. One of those options is to update a web site every few minutes. Automatically updating a web page is a sufficient way to publish source files to the file transfer server associated with the web site including said related files associated with said display of said web page. Finally, regarding independent claim 32, appellant states CuteFTP's file is neither a source file nor a file associated with display of a Web page browsed. The Examiner believes the reference teaches a means of updating web sites through file transfers. It should be noted that the CuteFTP file transfer program is used in a network environment. The updating is related to edited source files and associated with said display of said Web page. As presently claim the limitation fails to explicitly state how the related files are associated with said display of said Web page.

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In reference to dependent claim 32 and 34, appellant asserts that merely performing directory mirroring of an entire folder is very different from scanning a Web page for page dependent files. As presently claimed, the language, ‘code for analyzing said web page’ is broad in nature and taught by the CuteFTP reference. The reference provides a web page that is scanned through the use of code for the files to be updated.

In reference to dependent claim 35, appellant states that CuteFTP fails to teach or suggest that its scripting feature is able to scan edited source file for modified page-dependent files, and the Examiner has not shown otherwise. The CuteFTP Pro, page 10, teaches that it will backup or download, “your entire site.” Any page-dependent files would be within the definition of “entire site” and, therefore, would also be downloaded. Code would be present for the above-mentioned tasks to take place and therefore, the CuteFTP reference teaches a method for allowing for code to automatically downloading page-dependent related files.

In reference to dependent claim 36, appellant asserts that CuteFTP only discloses mirroring a directory and that it does not translate local links to added page-related files to reflect a location of those files on a file server. See, Cute, FTP Pro, page 10, “Folder Monitor,” teaching that a folder structure is checked prior to uploading. The program knows the locations of both the local and remote files, for the comparison, and it would be obvious to add the links to the page-related files on the transfer server along with publishing the rest of the files.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit
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